IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.783 OF 2007

In

SUIT NO.1259 OF 2007

Devaunshi Anoop Mehta : Plaintiff

V/s.

The Royal Palms (India) Pvt. Ltd. & Ors. : Defendants

...

WITH

CHAMBER SUMMONS NO.784 OF 2007 IN SUIT NO.1267 OF 2007

WITH

CHAMBER SUMMONS NO.791 OF 2007 IN SUIT NO.1194 OF 20O7

WITH

CHAMBER SUMMONS NO.792 OF 2007 IN SUIT NO.1186 OF 2007

WITH

CHAMBER SUMMONS NO.793 OF 2007 IN SUIT NO.1258 OF 2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1199/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1253/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT NO.1268 OF 2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT NO.1269 OF 2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1277/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1290/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1312/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1313/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1314/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1315/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1316/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1317/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1318/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1319/2007

WITH

CHAMBER SUMMONS NO. OF 2007 IN SUIT (L) NO.1320/2007

...

Mr.Janak Dwarkadas, Senior Advocate, with Mr.Ravi Kadam, Advocate General, Mr.Virag Tulzapurkar, Senior Advocate and Mr.Vaibhav Krishna i/b. Juris Consillis for the plaintiffs.

Mr.Rohit Kapadia, Senior Advocate, with Mr.J.J.Bhatt, Senior Advocate, Mr.Arif Bookwala, Senior Advocate, Mr.Pankaj Savant, Mr.Cyrus Ardeshir and Mr.Raju Gawde i/b. Vigil Juris for the defendants.

...

CORAM : A.M. KHANWILKAR, J.

DATE : JUNE 07, 2007.

P.C.

1. Office objection/s be removed within one week from today.

2. The counsel for the defendants have no objection if the Chamber Summons are made absolute in terms of prayer clauses (a) and (b), provided three aspects are clarified in the order.

3. In the first place, it is contended that the relief, if granted as it is, would permit the plaintiffs to substitute documents at exh.‘C’ and exh.‘O’ in terms of the Schedule appended to the present Chamber Summons. It is submitted that this Court being a Court of record, the document which is already filed on record cannot be permitted to be withdrawn. Instead, the plaintiffs be allowed to place on record additional exhibit to replicate the correct position. If additional documents are filed, in that case, the documents which are already filed at exh.‘C’ and exh.‘O’ will not be taken into account. Instead, the plaintiffs will be permitted to rely on new documents to be filed as exh.‘C-1’ and exh.‘O-1’, respectively. If this arrangement is permitted, the defendants have no objection for grant of reliefs in terms of prayer clauses (a) and (b), subject to above. This

submission of the defendants is accepted.

4. The second aspect pointed out is that the statement of fact as has been asserted in paragraph 5 of the affidavit-in-support of these Chamber Summons reproduces certain events transpired in Court incorrectly. According to the defendants, assuming the facts so stated were to be correct, it is not open to the party to place such facts on record on affidavit, relating to what transpired in Court during the hearing. In response, the counsel for the plaintiffs fairly submits that the contents of paragraph 5 be struck off from the record unconditionally. That submission is accepted.

5. It is lastly pointed out on behalf of the defendants that even if the reliefs in terms of prayer clauses (a) and (b) on the above terms are granted, that arrangement ought to be without prejudice to the rights and contentions of the parties. Even this request on behalf of the defendants will have to be accepted.

6. Accordingly, these Chamber Summons are made absolute in terms of prayer clauses (a) and (b), subject to above. Amendment in terms of prayer clauses (a) and (b) granted under this order be carried out within one week from today. Besides, it is ordered that paragraph 5 of the affidavit-in-support is effaced and/or struck off from the

record. Ordered accordingly.

A.M. KHANWILKAR, J.